

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                      |   |                                      |
|--------------------------------------|---|--------------------------------------|
| <b>FRANK FATO,</b>                   | : | <b>CIVIL ACTION NO. 1:07-CV-1291</b> |
|                                      | : |                                      |
| <b>Plaintiff</b>                     | : | <b>(Judge Conner)</b>                |
|                                      | : |                                      |
| <b>v.</b>                            | : |                                      |
|                                      | : |                                      |
| <b>VARTAN NATIONAL BANK, et al.,</b> | : |                                      |
|                                      | : |                                      |
| <b>Defendants</b>                    | : |                                      |

**ORDER**

AND NOW, this 1st day of October, 2008, upon consideration of the order of court dated September 16, 2008 (Doc. 31) issuing a temporary stay of the order dated September 5, 2008 (Doc. 29), which required non-party Office of the Comptroller of the Currency ("OCC") to produce certain summaries of audit findings, and upon further consideration of the unopposed motion (Doc. 30) of the OCC for a stay of the court's order to compel pending plaintiff's compliance with the relevant administrative regulations governing disclosure of OCC material, see 12 C.F.R. § 4.33(a)(3)(iii)(A)-(D), and the court finding that plaintiff was instructed to oppose the OCC's motion by September 30, 2008 (see Doc. 31), and that plaintiff has failed to do so as of the date of this order, it is hereby ORDERED that:

1. The OCC's motion is CONSTRUED as a motion to vacate Paragraph 1 of the order of court dated September 5, 2008 (Doc. 29), requiring the OCC to produce a summary of audit findings and is GRANTED as so construed; and

2. Paragraph 1 of the order of court dated September 5, 2008 (Doc. 29), requiring the OCC to produce a summary of audit findings is **VACATED** without prejudice to plaintiff's right to re-file a motion to compel upon demonstration that plaintiff complied with the governing administrative disclosure regulations. See 12 C.F.R. § 4.33 (a)(3)(iii)(A)-(D).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge